

DRAFT DN redline 10-25-09

NOTE: A final version of the workplan will have additional detail, targeted dates and identify the responsible agency or agencies.

Federal-State Workplan on California Water Issues
November 2009-December 2010

Recognizing the national significance of the Bay Delta ecosystem and its importance to 25 million Californians who depend on it to provide reliable water supplies for farms, businesses, communities and environmental benefits, a strong federal-state partnership is essential to address the current crisis and long term water challenges. State and federal water and wildlife agencies have a longstanding working relationship, but there is critical need to advance that partnership with a clear course of action that will achieve a more environmentally sustainable Delta and improve water supply reliability for California.

Recent actions by the Schwarzenegger and Obama administrations demonstrate a clear commitment to dealing with these conflicts between environmental protections and water supply reliability, as well as the impacts of the current drought and long-term climate change impacts on water conditions.

Governor Schwarzenegger has called for a comprehensive water plan that includes water conservation, restoring the Delta ecosystem, fixing Delta conveyance, investing in regional water management, water storage and a water bond. In 2006, he created the bipartisan Delta Vision Blue Ribbon Task Force which identified a series of actions to protect and restore the Delta.

U.S. Secretary of the Interior Ken Salazar has led a renewed federal effort to ensure a sustainable Delta ecosystem and water supply with a Memorandum of Understanding among key federal agencies to use their authorities and apply sound science, creation of a Bay-Delta Leadership Committee and initiation of a National Academy of Sciences (NAS) study of the science associated with Bay Delta fish protection activities.

The following are the highest priority issues associated with California's immediate and future water needs, and require strong federal-state action, collaboration and commitment over the coming year.

1. Bay Delta Conservation Plan

A. Environmental review process for Bay Delta Conservation Plan

- Agreement on revised schedule and steps necessary for completion of EIR/EIS
- Identify the milestones that can be achieved by December 2010 including federal ESA and CESA actions here (e.g. NCCP, HCP, consultations) as appropriate. *NOTE: DWR will be developing specific actions and timeline to include in this action item*

B. Long-term actions

- Identify Delta conveyance option(s)?
- Identify habitat acreage necessary to achieve program goals and requirements

C. Federal and state collaboration on outreach activities, public workshops

2. Science Activities

A. Review the scientific basis of actions that have been taken and that could be taken for California to simultaneously achieve both an environmentally sustainable Bay Delta and a reliable water supply.

- Focused NAS short term study of potential alternative equally-protective RPAs in the smelt and salmon biological opinions and potential conflicts between BOs
- Longer term NAS study on how to most effectively incorporate science and adaptive management concepts into holistic programs for management and restoration of the Bay-Delta.
- Response to NAS Study and support for additional science review that will be needed

B. Improved coordination of BDCP, CALFED, federal and independent science processes. The agencies will consider consolidating scientific review by and potential co-location of USFWS and NMFS personnel, as well as their state counterparts. The purpose of this effort is to provide a common scientific basis for agency efforts and to address key uncertainties in scientific information with potential to inform management decisions in the near-term and long-term.

C. The agencies will review the best available information available on the impacts of climate change on Delta resources, and will identify and implement projects to begin addressing those impacts. These projects include, at a minimum:

- [Placeholder on USGS peat restoration projects]
- Other short term actions (add)
- Long term actions (add)

3. Drought Response

- A. Status of federal-state drought team, current activities
- B. Coordination for water transfers program and NEPA/CEQA documents
 - Reclamation has contract in place for 2010 water transfers program. Ensure extension of giant garter snake Biological Opinion in 2010 (USFWS)
 - Update environmental documents (NEPA and CEQA) for long term water transfers program (after 2010). Address contract/funding issues for long-term program.
- C. Possible Governor's executive order/emergency proclamation on drought planning, state actions

4. Water Management and Conservation

- A. SWP/CVP operational issues: The agencies will continue to support the work of the Water Operations Management Team (WOMT) and its various working groups to identify and resolve operational issues, including any issues arising out of implementation of biological opinions, court orders, or other regulatory mandates. These issues may include:
 - Two Gates
 - Intertie
 - Water Quality
 - Groundwater management issues
 - Agriculture
 - Exercise of available flexibility and discretion of smelt and salmon biological opinions
 - Construction of Habitat Restoration projects in Delta, Suisun Marsh
 - Address funding, "credit" and permitting issues
- B. Coordination of federal and state allocation announcements (DWR in mid-Nov, Bureau in early 2010)
- C. Coordination and implementation of existing, new water conservation actions. This will include expediting the following water conservation projects:
 - \$160 million in CVP Recovery Act projects [need details and eliminate double-counting]
 - Red Bluff Fish Passage Improvement Program pumping plant [ditto]
 - \$27 Million for Water Conservation ARRA projects [ditto]
 - \$17 million for state drought assistance grants [Add other actions under Governor's 20% reduction mandate]

5. Flood Risk and Levee Stabilization

- A. The United States Army Corps of Engineers will work with the California Department of Water Resources and affected local agencies to implement the following critical flood and levee projects:

- [This is a placeholder.]

- B. Response to U.S. Army Corps of Engineers Levee Vegetation Policy

6. Federal-State Coordination

The Secretary of the Interior and/or his designee will confer with the Director of the California Department of Water Resources to identify appropriate mechanisms for coordination and communication between the federal Bay-Delta Leadership Committee and the Governor's Water Policy Council on all issues affecting Bay-Delta resources. This consultation will take into account any action by the California legislature on Delta governance issues. The results of this consultation shall be memorialized in writing no later than December 31, 2009.

7. Miscellaneous Provisions

[Federal Comment: If this document is going to be signed or represented as an agreement between the agencies, there are a number of standard provisions that will need to be added, from both the federal and state side. At a minimum, this would include the following on the federal side.]

- A. Nothing in this Workplan is intended to restrict the authority of any party to act as provided by law, statute or regulation.
- B. This Workplan does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not party to this agreement, against the parties, their officers or employees, or any other person. This Workplan does not direct or apply to any person other than the parties.
- C. As required by the Antideficiency Act, 31 U.S.C. Sections 1341 and 1342, all commitments in this Workplan are subject to the availability of appropriated funds. Nothing in this Workplan, in and of itself, obligates any signatory agency to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with agency budget priorities. Any transaction involving reimbursement or contribution of funds between the parties to this Workplan will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.